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Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter Of

Amendment of the Commission's

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PR Docket No. ~~93-35~~

93-35

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shared spectrum. Exclusivity will eliminate these gaps in use and provide for more efficient use of each channel to deliver promptly and reliably the public's messages.

The exclusivity proposed by the Commission's NPRM would further relieve the Commission's scarce resources in the handling of cochannel interference complaints which have increasingly arisen due to operation of competing, cochannel PCP operations. Resolution of these conflicts has been quite costly for the Commission and exclusivity would eliminate substantially the Commission's burden in administration of the 929-930 MHz band, while encouraging greater offerings of service to the public.

Duplication Of Construction

The Commission's proposed Section 90.495(a)(1)(ii) appears to support inefficient construction of facilities. Luczak believes that the Commission should allow serious operators to customize offerings to the public which might require the use of two channels in a single market. The proposed rule would require duplication of construction, site leases, etc. to accomplish this task. Rather, it appears more logical to allow operators to employ the same transmitters to provide two local services, on an exclusive basis, in a single market. One or both of the frequencies could then be allowed to develop into a regional system, consistent with Section 90.495(a)(2), thereby providing the public with a choice between local or regional coverage. Meanwhile, during the construction phase, the operator would not have to bear the unnecessary expense of duplicating its construction to maintain its exclusivity in the operation of the alternative systems. The net effect is that the public is provided additional choices in

services and the operator is provided with greater flexibility and greater resources to develop the regional system, which resources might otherwise have been used in the duplication of construction.

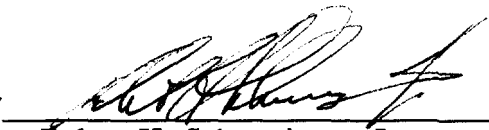
operators which desire to operate overlapping regional and local systems on alternative frequencies.

Conclusion

Luczak substantially supports rapid adoption of the Commission's proposals, including those few changes cited herein, and requests that the Commission move to improve the efficient offering of 900 MHz PCP services to the public.

Respectfully submitted,

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By 
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Dated: 5/6/93

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